

Introduced by Senator Lowenthal

February 27, 2009

An act to amend and renumber Section 1760 of, to add a heading to Chapter 1 (commencing with Section 1720) of, and to add Chapter 2 (commencing with Section 1740) to, Part 2 of Division 6 of, the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

SB 632, as amended, Lowenthal. Ports: congestion relief: air pollution mitigation.

(1) Existing law regulates the operation of ports and harbors.

This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo ~~while reducing, reduce congestion impacts associated with the movement of cargo, and reduce pollution associated with the movement of that cargo, and the replacement of trucks, cargo handling equipment, locomotives, and ships that move that cargo.~~

The bill would require each port to provide this assessment to the Legislature by July 1, 2010, and to include in the assessment the total costs of the infrastructure and air quality improvements ~~and, possible funding options for these projects, and estimated timelines for implementation.~~

By imposing these additional duties upon the ports, this bill would establish a state-mandated local program.

The

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 1 (commencing with
2 Section 1720) is added to Part 2 of Division 6 of the Harbors and
3 Navigation Code, immediately preceding Section 1720, to read:

4
5 CHAPTER 1. PORT FACILITY CONSTRUCTION
6

7 SEC. 2. Chapter 2 (commencing with Section 1740) is added
8 to Part 2 of Division 6 of the Harbors and Navigation Code, to
9 read:

10
11 CHAPTER 2. PORT CONGESTION RELIEF AND PORT MITIGATION
12 RELIEF
13

14 1740. The Legislature hereby finds and declares all of the
15 following:

16 (a) The Ports of Long Beach, Los Angeles, and Oakland operate
17 in unique communities, environments, and markets that require
18 infrastructure improvements and air pollution reduction measures
19 tailored to the nature and degree of need in each port of each
20 community.

21 (b) There is a need to mitigate the enormous burden imposed
22 on the highway transportation system serving the Ports of Long
23 Beach, Los Angeles, and Oakland by the overland
24 movement of container cargo shipped to and from those ports.

25 (c) The operations at the ports, including the movement of
26 locomotives, ships, and trucks that move cargo containers to and
27 from the ports, cause air pollution that requires mitigation. This
28 pollution contributes to the thousands of premature deaths and
29 billions of dollars of health costs each year attributable to goods
30 movement pollution in California.

1750. (a) Beginning January 1, 2010, the Port of Long Beach shall assess its infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo while reducing pollution associated with the movement of that cargo, and the replacement of the trucks, cargo handling equipment, locomotives, and ships that move that cargo.

(b) The port, when assessing infrastructure projects, shall consult with the Southern California Association of Governments on projects that improve the efficiency of cargo movement and reduce congestion impacts associated with the movement of cargo to and from the port through the southern California region. The port shall identify any project lists, such as the Goods Movement Action Plan, and provide any updated information for the projects on those lists. In the assessment, the port, at a minimum, shall identify the project, funding source or possible funding source, and estimated timelines for completion.

(c) The port, when assessing air quality projects, shall consult with the South Coast Air Quality Management District on projects that reduce pollution associated with the movement of cargo to and from the port through the southern California region, including, but not limited to, projects that reduce pollution from trucks, cargo handling equipment, locomotives, and ships that move cargo within and to and from the port. The port shall identify any project lists, such as the Goods Movement Emission Reduction Plan or the San Pedro Bay Clean Air Action Plan, and provide updated information for the projects on those lists, where feasible. In the assessment, the port, at a minimum, shall identify the project, funding source or possible funding source, and estimated timelines for implementation. On or before July 1, 2010, the port shall provide this assessment to the Legislature and shall include, but not be limited to, an assessment of total costs of the, including updating cost estimates from previous reports or project lists, for the infrastructure and air quality improvements as well as all of the possible funding options for those projects: improvements, as well as identifying funding for projects that may have a source of funding and identifying possible funding options for projects without a funding source.

1760. (a) Beginning January 1, 2010, the Port of Los Angeles shall assess its infrastructure and air quality improvement

1 needs, including, but not limited to, projects that improve the
2 efficiency of the movement of cargo while reducing pollution
3 associated with the movement of that cargo, and the replacement
4 of the trucks, cargo handling equipment, locomotives, and ships
5 that move that cargo.

6 (b) The port, when assessing infrastructure projects, shall
7 consult with the Southern California Association of Governments
8 on projects that improve the efficiency of cargo movement and
9 reduce congestion impacts associated with the movement of cargo
10 to and from the port through the southern California region. The
11 port shall identify any project lists, such as the Goods Movement
12 Action Plan, and provide any updated information for the projects
13 on those lists. In the assessment, the port, at a minimum, shall
14 identify the project, funding source or possible funding source,
15 and estimated timelines for completion.

16 (c) The port, when assessing air quality projects, shall consult
17 with the South Coast Air Quality Management District on projects
18 that reduce pollution associated with the movement of cargo to
19 and from the port through the southern California region,
20 including, but not limited to, projects that reduce pollution from
21 trucks, cargo handling equipment, locomotives, and ships that
22 move cargo within and to and from the port. The port shall identify
23 any project lists, such as the Goods Movement Emission Reduction
24 Plan or the San Pedro Bay Clean Air Action Plan, and provide
25 updated information for the projects on those lists, where feasible.
26 In the assessment, the port, at a minimum, shall identify the project,
27 funding source or possible funding source, and estimated timelines
28 for implementation. On or before July 1, 2010, the port shall
29 provide this assessment to the Legislature and shall include, but
30 not be limited to, an assessment of total costs of the, including
31 updating cost estimates from previous reports or project lists, for
32 the infrastructure and air quality improvements as well as all of
33 the possible funding options for those projects. improvements, as
34 well as identifying funding for projects that may have a source of
35 funding and identifying possible funding options for projects
36 without a funding source

37 1770. (a) Beginning January 1, 2010, the Port of Oakland shall
38 assess its infrastructure and air quality improvement needs.
39 including, but not limited to, projects that improve the efficiency
40 of the movement of cargo while reducing pollution associated with

1 ~~the movement of that cargo, and the replacement of the trucks,~~
2 ~~cargo handling equipment, locomotives, and ships that move that~~
3 ~~cargo.~~

4 *(b) The port, when assessing infrastructure projects, shall*
5 *consult with the Metropolitan Transportation Commission on*
6 *projects that improve the efficiency of cargo movement and reduce*
7 *congestion impacts associated with the movement of cargo to and*
8 *from the port through the northern California region. The port*
9 *shall identify any project lists, such as the Goods Movement Action*
10 *Plan, and provide any updated information for the projects on*
11 *those lists. In the assessment, the port, at a minimum, shall identify*
12 *the project, funding source or possible funding source, and*
13 *estimated timelines for completion.*

14 *(c) The port, when assessing air quality projects, shall consult*
15 *with the Bay Area Air Quality Management District on projects*
16 *that reduce pollution associated with the movement of cargo to*
17 *and from the port through the northern California region,*
18 *including, but not limited to, projects that reduce pollution from*
19 *trucks, cargo handling equipment, locomotives, and ships that*
20 *move cargo within and to and from the port. The port shall identify*
21 *any project lists, such as the Goods Movement Emission Reduction*
22 *Plan, and provide updated information for the projects on those*
23 *lists, where feasible. In the assessment, the port, at a minimum,*
24 *shall identify the project, funding source or possible funding*
25 *source, and estimated timelines for implementation. On or before*
26 *July 1, 2010, the port shall provide this assessment to the*
27 *Legislature and shall include, but not be limited to, an assessment*
28 *of total costs of the, including updating cost estimates from*
29 *previous reports or project lists, for the infrastructure and air*
30 *quality improvements as well as all of the possible funding options*
31 *for those projects. improvements, as well as identifying funding*
32 *for projects that may have a source of funding and identifying*
33 *possible funding options for projects without a funding source.*

34 SEC. 3. Section 1760 of the Harbors and Navigation Code is
35 amended and renumbered to read:

36 1730. (a) For purposes of this section, “council” means the
37 California Marine and Intermodal Transportation System Advisory
38 Council, a regional subunit of the Marine Transportation System
39 National Advisory Council chartered by the federal Secretary of

1 Transportation under the Federal Advisory Council Act (Public
2 Law 92-463).

3 (b) The council is requested to do all of the following:

4 (1) Meet, hold public hearings, and compile data on issues that
5 include, but need not be limited to, all of the following:

6 (A) The projected growth of each maritime port in the state.

7 (B) The costs and benefits of developing a coordinated state
8 program to obtain federal funding for maritime port growth,
9 security, and congestion relief.

10 (C) Impacts of maritime port growth on the state's transportation
11 system.

12 (D) Air pollution caused by movement of goods through the
13 state's maritime ports, and proposed methods of mitigating or
14 alleviating that pollution.

15 (E) Maritime port security, including, but not limited to, training,
16 readiness, certification of port personnel, exercise planning and
17 conduct, and critical marine transportation system infrastructure
18 protection.

19 (F) A statewide plan for continuing operation of maritime ports
20 in cooperation with the United States Coast Guard, the federal
21 Department of Homeland Security, the California Emergency
22 Management Agency, and the California National Guard, consistent
23 with the state's emergency management system and the national
24 emergency management system, in the event of a major incident
25 or disruption of port operations in one or more of the state's
26 maritime ports.

27 (G) State marine transportation policy, legislation, and planning;
28 regional infrastructure project funding; competitiveness;
29 environmental impacts; port safety and security; and any other
30 matters affecting the marine transportation system of the United
31 States within, or affecting, the state.

32 (2) Identify all state agencies that are involved with the
33 development, planning, or coordination of maritime ports in the
34 state.

35 (3) Identify other states that have a statewide port master plan
36 and determine whether that plan has assisted those states in
37 improving their maritime ports.

38 (4) Compile all information obtained pursuant to paragraphs
39 (1) to (3), inclusive, and submit its findings in a report to the
40 Legislature not later than January 1, 2006. The report should

1 include, but need not be limited to, recommendations on methods
2 to better manage the growth of maritime ports and address the
3 environmental impacts of moving goods through those ports.

4 (c) The activities of the council pursuant to this section shall
5 not be funded with appropriations from the General Fund.

6 SEC. 4. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 a local agency or school district has the authority to levy service
9 charges, fees, or assessments sufficient to pay for the program or
10 level of service mandated by this act, within the meaning of Section
11 17556 of the Government Code.